

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DKT. 10-327

v.

*

SECTION: “I”

**CINDY MC KEAN ROMERO
a/k/a CRICKET ROMERO**

*

VIOLATION: 18 U.S.C. § 371

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* * *

FACTUAL BASIS

The Defendant, **CINDY MC KEAN ROMERO, a/k/a CRICKET ROMERO** (“**CINDY ROMERO**” or the “defendant”) has agreed to plead guilty to the pending Bill of Information in the above-captioned case charging her with one count of conspiracy to commit fraud in connection with identification documents [in violation of Title 18, United States Code, Section 1028(a)(7); Section 1028 (c)(3)(B), and Section 1028(b)(2)(B)], all in violation of 18 U.S.C. § 371. Should this matter have gone to trial, the Government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against **CINDY ROMERO**:

The defendant was employed by the Louisiana Horsemen's Benevolent and Protective Association 1993, Inc. ("HBPA" or "Association") since June 2007 in various capacities, starting with executive assistant and currently as State Farm and Field Director.

The HPBA is a Louisiana non-profit corporation which was recognized by Louisiana law as the representative of horsemen racing at licensed races held in the State of Louisiana. A horseman was a race horse owner or trainer and was eligible for membership in the HBPA once his race horse started in one qualifying race in Louisiana.

HBPA members were entitled to vote for officers and directors of the HBPA. The bylaws of the HBPA required that in order for a ballot to be counted as valid, it had to be enclosed in a ballot enclosure envelope bearing the Social Security number of an HBPA member and the ballot had to be received by the HBPA's certified public accountants via the U.S. Postal Service.

The purposes of the HBPA included promoting the common business interests of its members, improving conditions in the horse racing industry of Louisiana and advocating for state and federal legislation. The HBPA was exempt from federal taxes under Section 501(c)(6) of the Internal Revenue Code, and none of its income could inure to the benefit of its individual members.

The Louisiana legislature passed several laws dictating that monies from specified horse racing activities must be paid to the representative of the horsemen in Louisiana for the hospital and medical benefits of identified beneficiaries. On November 30, 1993, the Louisiana Horsemen's Medical Benefit Plan was created to provide hospital and medical benefits and to pay for the administrative expenses related to providing such benefits to eligible beneficiaries.

From March 2005 to the present, Sean Daniel Alfortish ("Alfortish"), a licensed

Louisiana attorney who operated a private legal practice and for a period served as a magistrate judge, served as the president of the HBPA. Alfortish was re-elected to a second term as president of the HBPA after an election in which ballots were counted on March 31, 2008 (“the March 2008 election”). During 2007, Alfortish had invited the defendant to relocate from her home in Louisville, Kentucky, to New Orleans, Louisiana and become an employee of the HBPA.

Mona Hebert Romero (“Mona Romero”) initially was employed by the HBPA as a seasonal field representative. In April 2005, shortly after Alfortish was elected to his first term as HBPA president, Mona Romero was selected by the HBPA board of directors as the executive director of the HBPA. Alfortish supported Mona Romero's candidacy for executive director. The defendant was related to Mona Romero by marriage.

During Alfortish's first term of office from April 2005 until March 2008, certain members of the board of directors of the HBPA challenged Alfortish's and Mona Romero's management of the finances of the organization. In early 2008, one member of the board of directors sued the Association and Alfortish to require that information about the organization’s finances be produced.

Alfortish, Mona Romero and the defendant, as well as other co-conspirators, entered into a conspiracy to rig the outcome of the March 2008 election. The object of the conspiracy was to re-elect Alfortish along with favored candidates for directors. A way of accomplishing the conspiracy was to knowingly transfer, possess and use, without lawful authority, a means of identification of another person, that is, a Social Security number, with the intent to commit, and in connection with, unlawful activity that constitutes a violation of Federal law, namely, mail

fraud in violation of Title 18, United States Code, Section 1341, and to cause the Social Security number to be transported in the mail in the course of the use prohibited by law, in violation of Title 18, United States Code, Section 1028(a)(7); Section 1028 (c)(3)(B), and Section 1028(b)(2)(B).

Mona Romero with the assistance of Tammy Broussard, an employee of the HBPA, identified persons who were eligible to vote in the election but who were not expected to vote because they had started a horse in only one race during the period considered in determining eligibility to vote. Many such persons identified as likely non-voters lived outside the State of Louisiana.

Mona Romero with the assistance of Tammy Broussard, an employee of the HBPA then falsified election ballots by marking them for Alfortish as president and the favored candidates as members of the board of directors. Mona Romero and Tammy Broussard then marked on the ballot enclosure envelopes the Social Security numbers of likely non-voters, without the knowledge and permission of those likely non-voters. Finally, Mona Romero and Tammy Broussard inserted the falsified election ballots and ballot enclosure envelopes into an outer business reply envelope addressed to the certified public accountants who would open and tally the votes.

On or about March 19, 2008, Mona Romero gave the defendant her bank card which withdrew funds from Mona Romero's personal bank account and instructed the defendant to make airline reservations for three persons (Mona Romero, the defendant, CINDY ROMERO, and Carol Ruth Winfree) so that the three persons could fly to various cities where likely non-voters lived, and mail falsified election ballots and ballot enclosure envelopes in mailing

envelopes addressed to the certified public accountants who would open and count the ballots for the March 2008 election. The defendant made the airline reservations as Mona Romero had requested her to do so, and as indicated below:

Date	Travel by	Destination(s)
3/21/2008	DEFENDANT CINDY ROMERO	New Orleans to Cincinnati to Louisville Louisville to Atlanta to New Orleans
3/21/2008	Carol Ruth Winfree	New Orleans to Houston Houston to New Orleans
3/22/2008	Mona Romero	New Orleans to Dallas Dallas to New Orleans
3/22/2008	Carol Ruth Winfree	New Orleans to Tampa Tampa to New Orleans

On March 21, 2008, the defendant used the airline ticket she had purchased with the funds of Mona Romero, and flew from New Orleans, Louisiana to Cincinnati, Ohio; Louisville, Kentucky; Atlanta, Georgia and then back to New Orleans, all on the same day. The defendant mailed falsified ballots and falsified ballot enclosure envelopes which had been given to her by Mona Romero, which bore the Social Security numbers of individuals placed on the ballot enclosure envelopes by Mona Romero and another individual, without lawful authority of the persons to whom the Social Security numbers had been issued.

In Cincinnati, Ohio and Louisville, Kentucky, the defendant mailed such material in a mail slot at the respective airports at those cities. The defendant also caused falsified ballots to be mailed from Lexington, Kentucky.

A total of 8 ballots received and counted by the certified public accountants who counted votes during the March 2008 election, bore a Cincinnati, Ohio postmark. All 8 ballots were

postmarked on March 21, 2008, the date that the defendant mailed falsified election ballots from Cincinnati, Ohio.

A total of 37 ballots received and counted by the certified public accountants who counted votes during the March 2008 election bore a Louisville, Kentucky postmark. Of that total, 32 of 37 ballots were postmarked on March 21, 2008, the date that the defendant mailed falsified election ballots from Louisville, Kentucky.

A total of 31 ballots received and counted by the certified public accountants who counted votes during the March 2008 election bore a Lexington, Kentucky postmark. Of that total, 25 of 31 ballots were postmarked either on the date the defendant caused falsified election ballots to be mailed from Lexington, Kentucky or on the next mailing day.

The evidence would show that similar voting patterns existed with respect to ballots postmarked at Dallas, Texas, where Mona Romero flew and mailed falsified ballots on March 22, 2008, and those postmarked at Houston, Texas and Tampa, Florida, where Carol Ruth Winfree flew and mailed falsified ballots on March 21 and 22, 2008. The vast majority of ballots received and counted which bore postmarks from Dallas, Houston and Tampa (or nearby areas) were postmarked on the dates Mona Romero and Carol Ruth Winfree mailed falsified ballots from those cities and areas, or on the next mailing day.

At trial, HBPA members living near Cincinnati, Ohio; Louisville and Lexington, Kentucky; Dallas and Houston, Texas; and Tampa, Florida, whose Social Security numbers appeared on ballot enclosure envelopes containing ballots counted in the March 2008 election would testify that he or she did not vote in the March 2008 HBPA election, that he or she did not authorize anyone else to vote for him or her, and that he or she has examined the ballot enclosure

envelope bearing his or her Social Security number and that the handwriting on the ballot enclosure envelope is not his or hers.

The evidence would show that on March 31, 2008, the certified public accountants opened the election ballots and declared the winners of the election to be Alfortish as president and as members of the board of directors, all candidates for the board who were selected by Alfortish and Mona Romero and encouraged by them to run for positions on the board of directors. In contrast, all former members of the board of directors who stood for re-election and who had challenged Alfortish's and Mona Romero's management of the Association's finances during Alfortish's first term of office were not re-elected as board members.

The evidence would further show that Alfortish and Mona Romero urged the defendant and others not to provide information to law enforcement officials conducting a criminal investigation of the events of the March 2008 election.

Prior to the date the defendant participated in the events outlined above, the defendant was employed by the HBPA, and earned a salary. She also received a fringe benefit consisting of HBPA-paid individual health insurance, and she personally paid by payroll deduction the additional premium attributable to having health insurance coverage for a family member. Similar health insurance coverage was made available to other employees of the HBPA besides the defendant. She also was assigned to travel in connection with a meeting of the board of directors of the captive workers compensation carrier, and her expenses to do so were paid by her employer.

Following her participation in the events outlined above, the defendant continued to be employed by the HBPA and continued to receive a salary and a fringe benefit of HBPA-paid

health insurance for individual coverage.

In summary, the evidence introduced by the Government at trial would prove, and the defendant concedes, that **CINDY McKEAN ROMERO a/k/a CRICKET ROMERO** conspired to commit fraud in connection with identification documents, to wit, Social Security numbers, written on ballot envelopes containing falsified ballots to be cast in the March 2008 election of the Louisiana Horsemen's Benevolent and Protective Association.

EILEEN GLEASON
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Date

PATRICE HARRIS SULLIVAN
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Date

CINDY MC KEAN ROMERO
Defendant

Date

WILLIAM P. GIBBENS, ESQ.
Attorney for the Defendant Cindy McKean Romero
Louisiana Bar No. _____

Date